ERGO SUM

New Volume I

The University of Sydney Philosophy Society
Undergraduate Journal

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New Volume I,
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Edited by Ava Broinowski and Nicholas Stubbins

In loving memory of Nicholas Joseph Grace Stubbins

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Editor's Letter

Out of the blue, *ERGO SUM*. As the official undergraduate journal of the University of Sydney Philosophy Society, our archives go back to 1966. Yet, the journal has been unpublished since the 2000's.

The University of Sydney Philosophy Society used to be called the Russellian Society, the proceedings of which were routinely published in hard copy, featuring undergraduate papers presented at the Society's meetings throughout the 1980's and '90's. These proceedings featured names and works of many students of the University of Sydney, some of whom are now known Australian philosophers. By the 2000's, these volumes tapered out. Then emerged *COGITO*, a joint effort of the Russellian Society, the Socratic Society (University of New South Wales), and the Platonic Society (Macquarie University). The last volume of *COGITO* seems to have been published around 2009.

How can you tell if something has ended or is just being patient? This year, we decided to revive the University of Sydney's Undergraduate Journal of Philosophy as *ERGO SUM*. This is the 'New' Volume I in that name, but it is a continuation of the spirit of *The Journal*.

This incarnation imparts new vitality to the university's traditionally rich humanities culture of sharing ideas at the undergraduate level, at a time when such tradition is taken for granted institutionally. We hope *ERGO SUM* will go on to embody the values that make the institution worth having, and encourage readers to reflect on what could be.

Ava Broinowski and Nicholas Stubbins
13 October 2025, The University of Sydney, on Gadigal Land

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War and the Limits of Explanation

Alex Anstey
University of Sydney

Is not the infinite depth of reality possible only because we cannot see its bottom, and is not just that a challenge and an opportunity for humans in their reach for meaning which is more than the flowering and perishing of the lily of the field in the eyes of the gods?

Jan Patočka, *Does History Have a Meaning?*

War confronts us, as historians and as humans. The Wars of the twentieth century were historical phenomena of the most extreme magnitude, intricacy, and intensity; their grand scale demands grand explanations. There is no end to the trends and triggers, the forces and fortuities that historians cite in their explanations of war, however, the meaning of war cannot be reduced to the causes of war. This problem is the fundamental interpretive challenge of war, particularly the World Wars: that all the movement of those years cannot explain itself. That all the material conditions, ideological ferment, or the depraved psychologies of the Wars' commanders cannot wholly satisfy our want for explanation. A want that is felt; when reading accounts from the front, or when confronted with the numbers of war dead. The feeling is something like outrage, bewilderment, absurdity, horror; and it demands resolution.

Heretical Essays in the Philosophy of History was the final work of the Czech

philosopher, theorist, and dissident Jan Patočka.[1] In the 1970s, after Patočka was banned from teaching in Czech universities, he began delivering underground lectures which were transcribed by students and smuggled out of the Soviet Bloc.[2] Patočka's sixth and final heretical essay, Wars of the Twentieth Century and the Twentieth Century as War presents a powerful reevaluation of the Wars, an incisive critique of standard histories, and a compelling reflection on the fragility of meaning and human existence.

The key conceptual device that Jan Patočka invokes in the sixth essay is his distinction between 'the day' and 'the night' (Patočka 1996, 120). The forces of the day represent life as it is structured by ordinary interests, social order, peace, and progress. They signify what Patočka sees as the utilitarian, instrumental aspects of modernity — those forces that regulate human existence through systems of productivity, routine, and collective security. Life governed by the forces of the day seeks to affirm itself, to extend and protect itself, often through economic and political structures that appear to promise peace. It is less clear how Patočka understands the night, besides as an existential foil to the day. With the night, in the chaos of war, the interests of the day lose all meaning or become absurd; in this way the aims of the day are defeated in the night. Patočka questions:

> How do the day, life, peace, govern all individuals, their bodies and souls? By means of death; by threatening life. From the perspective of the day life is, for all individuals, everything, the highest value that exists for them. For the forces of the day, conversely, death does not exist, they function as if there was no death, or, as noted, they plan death impersonally and statistically.
>
> (Patočka 1996, 120)

The order of the day disregards the true significance of death and its relation to life, reducing it to an instrument that motivates and necessitates the aims of the day — the aims of peace, which are also the aims of war. Simone Weil

[1] Heretical Essays, was originally written in 1975.

[2] English language sources on Patočka are few. A thorough philosophical biography is presented in Erazim V. Kohák, Jan Patočka: Philosophy and Selected Writings (Chicago: University of Chicago Press, 1989), 1-136.

understood this:

> What a country calls its vital economic interests are not the things which enable its citizens to live, but the things which enable it to make war... when war is waged it is for the purpose of safeguarding or increasing one's capacity to make war.
>
> (Weil 2005, 8)

The night exposes the truth that peace and progress are built upon the calculated orchestration of death. With the day/night distinction, Patočka critiques not only the standard interpretations of the Wars but also the idealogical presumptions of modernity's promises. The distinction provokes a reevaluation of how history and peace are structured, narrated, and justified.

Explanation

Patočka opens the sixth essay by recognising the fundamental interpretive challenge of the First World War: the effort to comprehend its 'cosmic' significance. He alleges that responses to this challenge had failed to understand the War using nineteenth-century ideas (Patočka 1996, 120). Standard explanations of the Great War emphasise political and diplomatic causes or economic and imperial rivalries, however, for Patočka, all such explanations had been given from the perspective of the day. Patočka's claim is that the order of the day, peace, and life, cannot account for the wars of the twentieth century because it was a century 'of the night', that is, the extreme violence of those wars ruptured the meanings of ordinary life to such an extent that from the perspective of peace, they were uninterpretable. The day, with its aims of progress, development, expansion, and life, always lacks the interpretive resources to understand the significance of war and death. Patočka writes that from the day, 'death organised en masse, is an unpleasant but necessary interlude which we need to accept in the interest of certain goals of life's continuity but in which we can seek nothing 'positive" (Patočka 1996, 121). This refusal to explain the Wars in the terms of the day is Patočka's heresy. Yet he does not retreat into the darkness of the night and surrender to nihilism, rather, Patočka engages the tension between day and night to articulate his radical insight.

Patočka refers to the diverse causes of war collectively as 'the forces of the day.' He writes of 'energies' and 'powers' — impersonal, unpredictable, and unstoppable causes of explosive and violent eruptions. He claims that the First World War demonstrated:

> the transformation of the world into a laboratory for releasing reserves of energy accumulated over billions of years can be achieved only by means of wars… because war, acute confrontation, is the most intensive means for the rapid release of accumulated forces.
>
> (Patočka 1996, 124)

Modernity, with its relentless drive for efficiency, technological advancement, and mastery over nature, unwittingly generates forces that can only be expended through war. The seemingly unstoppable advance of technological rationality — what Patočka refers to as 'techno-science' — does not serve human goals but transforms humanity itself, reducing human lives to units within an impersonal machine of progress and exploitation. Patočka laments that this transformation undermined Europe's intellectual and spiritual heritage, eroding values, meaning, purpose, and ethical responsibility in favour of an instrumentalism that treated both nature and human beings as resources to be utilised and expended.

The First Word War forced a complete reevaluation of Enlightenment convictions. The Second World War, Patočka notes, was less of a revelation; a deep cynicism having already taken root in the European psyche. The violence of those years unravelled the coherence of Marxist, or Liberal narratives of progress which attempted to attribute a singular telos or direction to history. Patočka writes with stark clarity, 'no one seemed to mind that in reality there are no such explanations…' (Patočka 1996, 119). The World Wars demonstrate that history does not move in a straightforward, meaningful progression; rather, it is marked by ruptures and disruptions that unsettle our most cherished assumptions about purpose, progress, and morality. The historiographical challenge is not to seek a unifying purpose or cause of the Wars but to confront their radical contingency and the disorientation they provoke. It is this grappling, fraught and unsettling as it may be, that brings us closest to understanding the Wars' true significance — a significance that transcends the limits of any single

explanatory framework.

Jan Patočka's meta-historical analysis of war, carries an eschatological necessity. His view that war emerged inexorably from the inherent tensions and contradictions of modern civilisation leaves little room for genuine agency or moral intervention. If we accept the inevitability of war as a natural consequence of techno-determinism, 'accumulated energies' and the nihilistic impulses of modernity, we risk resigning ourselves to a fatalism that precludes the possibility of meaningful resistance or reform. Furthermore, while Patočka's critique of modernity's hollow pursuit for efficiency and mastery is incisive, his emphasis on the inevitability of violent eruptions overshadows the historical contingencies and the complex interplay of human choices, ideologies, and social structures that shaped the Wars. By subsuming historical causes into the overarching narrative of 'Force' his analysis naturalises the phenomenon it condemns.

Morality

Patočka finds the underlying ideological notion behind the First World War to be 'the slowly germinating conviction that there is nothing such as a factual, objective meaning of the world and of things, and that it is up to strength and power to create such meaning' (Patočka 1996, 121). For Patočka, the 'line of fire' is an existential crucible. It was on the front line that the breakdown of meaning was fully realised, as soldiers faced the chaos of senseless violence and the collapse of all familiar moral and social structures. He draws upon the battlefield experiences of Pierre Teilhard de Chardin and Ernst Jünger, who — despite holding radically different philosophical and theological orientations — both emerged from the First World War deeply marked and transformed by the intensity of modern conflict (Jünger 1975) (Teilhard de Chardin 1965). Patočka describes a paradox of the front: that 'in the depth of that experience there is something deeply and mysteriously positive' (Patočka 1996, 126). This transformative revelation is, according to Patočka, rarely achieved, as it is preceded by a loss of meaning before the horror and absurdity of the front which is seldom overcome. The transformation, as described by Teilhard, is a sense of meaningfulness which persists long after the war's end (Teilhard de Chardin 2014, 245-56). It is not clear what we are to make of this transformation —

born of the profound loss and renewal of meaning — and how it relates to the nihilism of modernity that Patočka identifies as underlying the First World War.

In Patočka's picture of the front line, combatants are united in a 'solidarity of the shaken' and the line of fire is recast as a coming together, rather than a pushing apart (Patočka 1996, 131). He puts great faith in the transformative potential of this solidarity, however, it is not clear that the solidarity of the shaken was a widespread or persistent phenomenon in either of the Wars; Patočka offers little evidence for it. This idea of antagonistic solidarity appears a quixotic attempt to find love in its antithesis. If such solidarity existed it was a comfort missed by those who were exterminated in concentration camps, those who were merely murdered.

Perhaps the most profound challenge for war writers is grappling with the breakdown of moral interpretability. War must be confronted on moral grounds, yet the moral categories of ordinary life do not apply, or apply only mockingly. The ordinary concepts of justice, responsibility, compassion, and proportionality, appear grotesquely inadequate against the enormity of war. Retaliation, which is discouraged in ordinary life, is required, or at least permitted during war. Killing is sanctioned and glorified, deception becomes necessity, collective punishment is rationalised under doctrines of 'deterrence.' We are forced to urgently re-evaluate our moral categories, to bring them into line with the extreme revelations of war. Yet this operation is doomed from the outset. The night shatters the moral standards of the day, presenting us with nihilism, yet war must be understood morally. We cannot accept two conflicting moralities, or else we abandon moral consistency and lose the force of our normative concepts. We must therefore continue to seek meaning in the ruins of shattered categories, knowing that our understanding will be partial, fraught, and perpetually unsettled. This grappling is not a solution but a necessary confrontation, a way of bearing witness to the extreme revelations of war while refusing to surrender entirely to its darkness. Patočka concludes that 'life leans out into the night' (Patočka 1996, 131).

Another urgent challenge to those attempting to understand war, lies in the fraught conciliation of individual experience with the broader, collective trajectories of conflict. The dispassionate explanations of war aims, imperial designs, and ideological forces, that form the backbone of many histories, can elide the

reality that war is lived through. While this is a historiographical problem of narrative construction, the disjunction between broad explanation and individual experience is, at its core, a question of agency. Against vast collective movements of men and materiel, individual agency is reduced to mere compliance in the machinery of conflict. Hannah Arendt writes:

> The very substance of violent action is ruled by the means-end category, whose chief characteristic, if applied to human affairs, has always been that the end is in danger of being overwhelmed by the means which it justifies and which are needed to reach it.
>
> (Arendt 1970, 4)

This 'overwhelming' is at the heart of the interpretive challenge; that the aims of war fail hopelessly, not only to justify but to explain the violence of those years. That sacrifice cannot be rationalised by its relation to the interests of the day — revealing the absurdity of 'fighting for peace.' The first challenge is to rescue individual agency from being swept away in broader socio-structural currents. The second is that when intention and action are disconnected from the interests of the day — when the means overwhelm the ends — this disjunction undermines our capacity to ascribe praise and blame within the chaos of war.

Patočka contends that the sacrifice of those on the front line, while demanded as relative to the interests of the day, is actually absolute. He writes:

> The participants are assaulted by an absolute freedom, freedom from all the interests of peace, of life, of the day. That means: the sacrifice of the sacrificed loses its relative significance, it is no longer the cost we pay for a program of development, progress, intensification, and extension of life's possibilities, rather, it is significant solely in itself.
>
> (Patočka 1996, 130)

In this way, the forces of the day are overcome, not overwhelmed as Arendt described, but transcended. In the crucible of the front line, when objectification reaches its limit, it is overcome by the experience of absolute freedom. One might ask: if the interests of the day are overcome at the line of fire, is morality itself transcended — or simply cast aside? At the very least, the ordinary moral vocabulary of the day is exposed as contingent. Patočka holds that in the

absolute freedom of the front, death acquires intrinsic significance. Yet perhaps such significance is not exclusive to the extremity of war — only that it becomes more visible in the night.

The wars of the twentieth century are characterised by the perverse contrast between total coordination and absolute chaos. Whole nations were reconfigured into vast systems of production and distribution of men and materiel, to be expended in the convulsions of the front; the tangled mess of bodies into mud and the ruin of entire landscapes. Control was renounced in the absurd contingency and arbitrary violence of the front. Patočka may be correct that for many, the affairs of the day became irrelevant, or dissolved in the night — that those who were offered up to this violence were freed from such concerns. However, this is a strange kind of freedom, a freedom without control. The chosen were submitted to the jagged edge of fate; freed from the order of the day but utterly subject to the turmoil of the night.

Resolution

Patočka claims that the Wars could not be explained with the terms and narratives of the day. Nevertheless, he imposes a unifying coherence, largely through metaphor. Totalising explanations, whether they are meta-narratives, or appeals to 'human nature,' 'techno- science,' or 'accumulated energies,' are simplifications which risk justifying or naturalising atrocities. We must proceed piecemeal, yet it is often the case that a piece can tell us something about the whole.

There is no doubt that front-line experience is deeply transformative and for some, this transformation is somehow positive. The question remains: can such moments of renewal offer a genuine counterpoint to the nihilism Patočka finds inherent in modernity, or does their scarcity just expose the fragility of meaning itself? Patočka's front is a site of exposure where the aims of life, peace, and progress dissolve; the moral grammar of the day loses sense, it is exposed as contingent, not absolute but provisional. Yet in this dissolution, sacrifice holds an absolute significance — a revelation of what lies deepest and cannot be undone.

The search for the 'meaning of war,' particularly the wars of the twentieth

century, is both necessary and deeply fraught. War is lived through personal suffering, moral trials, and the disintegration of values once held as universal. The historian's task is not merely to recount events or analyse causes but to grapple with the profound disruptions that war brings to human existence. We must balance the need for explanation with the recognition that no explanation can address the lived reality of war. This tension is not a problem to be solved but a condition to be acknowledged: thee ongoing confrontation with violence and the rude contingency of war. In abandoning the terms of the day, we create meaning not in triumph but in tremor — in the ache of broken principles and the solemn gesture of their reassembly.

To rest satisfied with any explanation of war would be to accept a world where violence, suffering, and death could be neatly rationalised, their chaos rendered comprehensible and their devastation justified. If we could find this kind of satisfaction, we would risk becoming people who no longer feel the moral weight of history's darkest moments — people for whom the suffering of millions becomes a statistic, a means to an end, or a chapter in a grand narrative. To be satisfied would be to turn away from the haunting questions that war provokes about the value of life, the limits of human agency, and the moral contradictions that arise in moments of extremity. It would mean resigning ourselves to the inevitability of violence, rather than confronting the hard, unsettling truth that history defies resolution. Our responsibility is not to close the book on the past, but to keep its most difficult questions alive within us.

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The Potential of Subjectivity for the Female Element of Masochism in Deleuze's Formal Reading of Sacher-Masoch

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Abstract

In his essay on masochism, Coldness and Cruelty, Deleuze claims that the "subject in masochism needs a certain 'essence' of masochism embodied in the nature of a woman who renounces her own subjective masochism; he definitely has no need of another subject" (Deleuze 1989, 43). This claim contrasts the perspective Sacher-Masoch endows his heroines with in his short stories, as well as the emphasis he places on his heroine Wanda's subjectivity in Venus in Furs. In this essay, I argue that the way the masochistic subject educates a woman into the masochistic situation, via the contract, coincides with another process of obscuring, though never fully removing, the heroine's subjectivity. I first briefly explain Deleuze's method of literary analysis, that is, a combination of psychoanalysis and textual analysis which he refers to as the Critical and Clinical approach. Next, I explain the primacy of the contract, which Deleuze draws attention to in the literature of Sacher-Masoch, and the process of the female subject's education into the contract. I then explain Deleuze's account of the female element of Masochism as a non-subject, contrasting this with Sacher-Masoch's presentation of the subjectivity of female characters in The Black Gondola and Venus in Furs. Finally, I

resolve this conflict by arguing that Sacher-Masoch's erasure of female subjectivity does not only occur through presenting the objects of desire for the masochistic protagonist as pure elements. Rather, Sacher-Masoch presents a process of becoming for his heroines, which coincides with their education into the masochistic contract. Ultimately, this clarification of the changing status of female subjectivity in the work of Sacher-Masoch is philosophically significant in light of Deleuze's essay Literature and Life.

A brief introduction to Deleuze's approach to literature

Coldness and Cruelty marks the origin of Deleuze's 'critical and clinical' project. This project concerns what he labels literary syndromes through combining an aesthetic (critical) approach and the psychoanalytic (clinical) approach. Deleuze sets out to return to the literary origin of masochism, the writings of Galacian author Leopold von Sacher-Masoch. Deleuze does not approach Sacher-Masoch as the quintessential figure of masochism for purely historical reasons. Rather, through analysing the literature of Sacher-Masoch alongside investigating the psychoanalytic concept of masochism, Deleuze finds a strong parallel between literature and psychoanalysis in terms of what he labels symptomatology. Deleuze describes literature as creating a symptomatology, that is the presentation of interconnected signs within a text that amount to a diagnosis of the human condition. Philosopher and Deleuze scholar Daniel W. Smith notes that "what made this encounter between literature and medicine possible, Deleuze suggests, was precisely the distinctive status of symptomatology within the context of medicine itself" (Smith 2011, 204). In the opening chapter of Coldness and Cruelty, Deleuze poses that Sacher-Masoch is not merely a patient of the psychoanalytic condition of masochism, but rather he is the "clinician" of the condition of masochism as his "proper name is linked to a given group of signs" (Deleuze 1989, 16). From this, it is apparent that the formal literary condition of masochism, that is, the collection of Masoch's literary symptoms or his symptomatology, is completely self-sufficient from Marquis de Sade's symptomatology or formal sadism. Deleuze's dual registered approach of the 'critical and clinical' allows for the separation of masochism and sadism, as by returning to the literary origin of both perversions, Deleuze is able to confront and undermine the psychoanalytic assumption of sadomasochistic unity.

As such, the 'critical and clinical' approach is not merely the approach Deleuze employs in order to address de Sade and Masoch specifically. But rather, as philosopher Jon Roffe describes, Coldness and Cruelty broadly aims to "to theorize the relationship between literature and psychopathology more generally" (Roffe 105). It is thus important to consider Deleuze's analysis of masochism as not purely psychoanalytic or literary. Instead, Deleuze's approach to refining the concept of masochism must be both critical and clinical due to the shared practice of symptomatology in both psychoanalysis and artistic creation. Understanding Coldness and Cruelty in terms of Deleuze's 'Critical and Clinical' project more generally reveals the way in which literary masochism is not simply a form or kind of masochism. Instead, Deleuze reveals the way in which Sacher-Masoch invents a form of life as the symptomologist of his own perversion, emphasising the creative rather than merely descriptive power of literature. As such, through conceiving masochism in both psychoanalytic and literary terms, I will more rigorously investigate Deleuze's claims about the role of the female element's lack of subjectivity in masochism.

Considering the masochistic contract

Deleuze gives the contract primacy in his analysis of masochism as a literary, rather than purely psychoanalytic, phenomenon. The contract, in the literature of Sacher-Masoch, is a written agreement where "whereby at a precise point in time and for a determinate period she (the female party) is given every right over him (the masochistic hero)" (Deleuze 1989, 65-66). He considers the contract as a "formal condition" of masochism, that is a structural literary feature of the work of Sacher-Masoch which distinguishes masochism from sadism (Deleuze 1989, 100). The contract in Masochism exists in order to regulate and "formalise... the behaviour of the partners" (Deleuze 1989, 18). Thus, the contract is both normative, representing the ideal behaviour for the masochist, and also a necessary "precondition" for the relationship to occur (Deleuze 1989, 75). The contract is not merely metaphorical or representative of a preexisting masochistic relationship, but rather the contract is the material basis of the masochist's climb towards the ideal of woman. Deleuze states that "through the contract, that is through the most rational and temporarily determinate act, the masochist reaches toward the most mythical and the most timeless realms" (Deleuze 1989,

66). As such, the contract constitutes the form of the masochistic relationship. It is the structure which allows for the masochist's fantasy, their sexualisation of history and their idealisation of Woman through myth, to become real.

Beyond being the governing principle of the masochistic situation, the contract is the mode in which Sacher-Masoch apprehends the Law. The masochist transforms the Law from something which denies the satisfaction of a desire, to being the very precondition which allows the masochist's satisfaction via the Law's punishment. As such, the enacting of the Law to ensure its effects in the masochistic situation is granted via the contract. Deleuze conceives of the Law as "self-grounded and valid solely by virtue of its own form" (Deleuze 1989, 82). In relation to the position of woman, the contract exists in order to identify the female party with the Law, which is an absolute authority that binds the masochist to his lover. In Sacher-Masoch's work, the contract is never suggested by the heroine or female love interest, and she always requires convincing in order to agree to be involved. In Deleuze's reading, the masochist is "a victim in search of a torturer and who needs to educate, persuade and conclude an alliance with the torturer in order to realize the strangest of schemes" (Deleuze 1989, 20). The mode of persuasion and education suggests a subsuming of the will by the female torturer, in order to exalt the desires of the masochist. The masochist's journey thus becomes a two act process, the first act being that of persuading the love interest to engage in the masochist's desired dynamic, and the second being the anticipation of the contract coming into reality.

The female essence of masochism contra female subjectivity in Sacher-Masoch

What follows from the contract is the woman becoming what Deleuze calls a "female essence of masochism", that is the masochist's desire for a woman to enact an impersonal and cruel relationship dynamic to heighten the masochist's subjective experience of the world (Deleuze 1989, 43). The masochist "has no need for another subject", he requires his love interest to become a fixture of the law who has no subjective experience or enjoyment. However, Masoch often gives insight into the perspectives and subjectivity of his heroines. In one of his initial meetings with his lover Wanda at the beginning of Venus in Furs, Severin,

the protagonist, is mostly shown to have a responsive role to her. Wanda states "It is only man's egoism that seeks to bury woman like some treasure. Despite holy ceremonies, oaths and contracts, no permanence can ever be imposed on love; it is the most changeable element in our transient lives" (Sacher-Masoch 1989, 160). Wanda views the dominant heterosexual mechanism of desire as men trying to "bury woman", that is to hide them from the world and repress women's desires. Thus, if the masochist is after a "female essence", Wanda seems undoubtedly aware of and against, the denial of woman's will in relationships, and verbalises this to Severin himself.

Further evidence of female subjectivity in the work of Sacher-Masoch is present in his short story The Black Gondola. Whilst the heroine of The Black Gondola, Lia, shares the traits of cruelty and dismissal with the other archetypes of women in his works, she, like Wanda at the beginning of Venus in Furs, is depicted as the subject of the story. Despite the story being written in the third person, Sacher-Masoch reveals her subjectivity in dialogue with the narrative voice. He is cautious to write, in response to the maxim "one must love somebody, or something" that "she felt that necessity" (Masoch 2021, 23). In such a case, Masoch seems to pose the voice of the narrator in dialogue with Lia to give insight into her feelings. There is a dialectic between the world the narrator constructs, or the world which Lia inhabits, and the way she feels. This is further evidenced when it is described that winter, a recurring motif present in the work of Sacher-Masoch usually reserved to enhance the erotic experience of frozenness for his male protagonists, "appeared beautiful to her" (Masoch 2021, 22). This effort to highlight how Lia feels in response to his writing, in a dialectic to the world he presents and the maxims he creates, reveals that Sacher-Masoch is dedicated to presenting his female characters as subjects.

These examples of female subjectivity in the work of Sacher-Masoch sit in contrast to the idea of woman as a "pure element of masochism" (Deleuze 1989, 42). Whilst it is important to situate Deleuze's claim as a critique of Kraft-Ebbing's assumption that "the torturer of Masoch is either a true sadist or else pretends to be one", Deleuze imposes a strong distinction between masochistic subject (the hero) and masochistic element (the torturer). Through imposing such a distinction, Deleuze suggests that through masochism:

> "We are able to understand how a person can elude his subjective destiny,

> but only with partial success, by playing the role of an element in the situation of his choice."
>
> (Deleuze 1989, 42)

Deleuze suggests that through searching for a specific kind of woman in the masochistic situation, the masochist can only partially rescind his subjectivity, this part being his will, by placing it in the hands of an element in a situation he manufactures. Thus, "the torturess escapes from her own masochism by assuming the active role in the masochistic situation." (Deleuze 1989, 42). Here, it does not seem Deleuze is trying to allude to the torturesses of Masoch themselves being masochistic, but rather, he seems to suggest that by partaking in the active role in masochism, she rescinds her own subjectivity.

Nevertheless, Deleuze's analysis of woman as a "masochistic element" holds great weight towards the midsection of Venus in Furs, at times where the protagonist, Severin, is unable to access the thoughts of Wanda. These times are what allows for the environment of frozenness to occur, which identifies the woman with the law, which Deleuze describes as the "idealizing disavowal of the mother" (Deleuze 1989, 68). However, these moments of frozenness and heightened eroticism are essential aspects of formal masochism which sit in contrast to the unsureness of Sacher-Masoch's women, as well as in the dissolution of relationships depicted, such as Wanda's exit at the end of Venus in Furs. Deleuze describes that "in all Masoch's novels, the woman, although persuaded, is still basically doubting" (Deleuze 1989, 21). This doubt contrasts the purity of the woman as an element, which allows the primary and impersonal nature of masochism to be revealed. The question becomes how can we include this doubt and subjectivity of Masoch's heroines, if at all, as a part of the formal masochistic system? If this cannot be answered, it seems that Deleuze's systematic reading of literary masochism does not wholly explain the moments of doubt, subjectivity and desire within Masoch's heroines. However, if too much weight is put on the subject behind the female element of masochism, the impersonality of the masochist's experience will be compromised. Thus, I will explain how these glimpses of subjectivity within Masoch's heroines can be explained through Deleuze's 'Critical and Clinical' approach more broadly, without sacrificing the position of masochistic element women occupy under the contract.

How can we explain female subjectivity in Deleuze's conception of formal masochism

The loss of female subjectivity in Sacher-Masoch can be explained as occurring simultaneously with the education process. Particularly, the doubt that these women experience suggests "she is forced to commit herself to a role to which she may prove inadequate" (Deleuze 1989, 21). Through expressing doubt, the heroines of Masoch reveal the manners in which they are subsuming themselves to the will of the masochist; women's perspectives are revealed in order to expose how they become an element within a masochistic situation when their perspectives become absent. Thus any doubt or opposition, or expression of a woman's own desires in response to the masochist's wants can be seen as "steps in their climb toward the Ideal" within the masochist's "educational undertakings" (Deleuze 1989, 21). However, such a reading neglects, or too easily explains away, other aspects of the heroine's subjectivity besides doubt. When Wanda claims that man wishes to "bury woman" through being unwilling to accept the "changeable" nature of love then eventually leaves Severin, Venus in Furs as a text acknowledges that the idealisation of the feminine as an a-subjective element causes the eventual break of the masochistic relationship, implying that the masochistic situation obscures the subjectivity of the woman rather than removing it. Further, when Sacher-Masoch focuses on the perspectives of heroines in his short stories, such as in The Black Gondola, careful attention to the wants of his heroine's can be exposed without a masochistic contract. So whilst the education process within masochism can be used to explain some of the expression of women's doubts, it does not seem to wholly explain the transition from female subject to the feminine essence of masochism.

Although not obviously considered in Coldness and Cruelty, the education of woman into masochism imposes a transformation of the female subject which coincides with Deleuze's conception of literature as a form of becoming in his essay, Literature and Life. Deleuze characterises the form of literature as an "incomplete" becoming, a process without end "that is, a passage of Life that traverses the livable and the lived" (Deleuze 1997, 225). By this, Deleuze is describing the presentness of literature, it is not representative of things past, nor is it concerned with possible future experiences, but instead writing creates a form of Life itself, rather than formalising what has already been lived. Such an

understanding of literature could seem completely contradictory to the work of Sacher-Masoch, a writer who was undoubtedly a masochist himself, evidenced with the inclusion of two of his own masochistic contracts within Coldness and Cruelty. But precisely what makes the literature of Masoch literary is the inclusion of the female subject, especially insofar as she breaks away or doubts the formal system of masochism. Deleuze claims, in Literature and Life that:

> "One does not become Man, insofar as man presents himself as a dominant form of expression that claims to impose itself on all matter, whereas woman, animal, or molecule always has a component of flight that escapes its own formalization."
>
> (Deleuze 1997, 225)

The doubt Masoch includes from his heroines, the institution of the contract as an attempt for the partner not to leave, the presentation of women as having their own wants and the eventual fleeing of his heroines from relationships (The Divorced Woman, Wanda at the end of Venus in Furs, the married Lia in The Black Gondola) seem to be a demonstration of the freedom of woman in Sacher-Masoch. Although the masochistic system is concerned with turning woman into a pure element of masochism, his women often escape this formalisation imposed by the male party. Further, Deleuze describes of the process of becoming-woman that "this becoming has nothing to do with a state she could claim as her own" (Deleuze 1997, 225). Thus, what is revealed in Sacher-Masoch's literature, in opposition to the formalising structures of his protagonists, is a process of woman towards and away from becoming the masochistic element. The heroines of Masoch, although their perspectives may be obscured by the masochistic hero's idealism, are the force which reveals the humour of the masochistic system as a critique of the law, as the masochist's following of the law to the furthest consequences only occurs due to the identification the masochist has with the female essence and the law (Deleuze 1989, 88). The subjectivity Masoch endows his heroines reveals the hollowness of this law, enhancing the humour of the masochist following this arbitrary law to the furthest consequences.

Conclusion

A reevaluation of Deleuze's Coldness and Cruelty with a focus on the subjectivity of Sacher-Masoch's heroines reveals exactly what makes the work of Sacher-Masoch literary. The masochistic hero wishes to impose a contract which removes the subjectivity of their lover, in order to form her into a fixed element. But it is precisely the subjectivity of the woman in Masoch which reveals the humour and hollowness of the masochistic law. In supplementing Coldness and Cruelty with Deleuze's conception of literature as becoming in Literature and Life, it is revealed that the perspectives of women in Masoch represent a form of becoming, an impure form distinct from that of man. This process is never completed, Wanda breaks away from Severin in Venus in Furs resulting in Severin renouncing his masochism. This incompleteness of the masochistic system is only available through the subjectivity offered to women by Masoch, despite his heroes aiming to turn them into pure elements.

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The Sufficiency of Internal Psychological States for Happiness

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Abstract

The secret to happiness is paying attention to our subjective standards of happiness, what we think it will take for us to be happy. We should adjust them to find happiness in the present whilst striving for more ideal forms of happiness. This is because internal, positive affective states are sufficient for happiness. In other words, happiness can be reduced to how we feel on the inside, regardless of factors in our external reality. However, this means a happy person can be deluded in the objects of their happiness, not being realised in the external world. This challenges both Kraut and Nozick's externalism, represented by the thought experiment of the experience machine. Fulfilment of an agent's subjective standards of happiness is sufficient. This challenges Kraut's axiological objectivity which depicts fitting objects of happiness. Allowing psychological states to be sufficient for happiness recognises the meaningful contribution of subjective states to the concepts of well-being and a good life. Hence, I propose a hybrid sliding scale model of happiness which recognises more 'ideal' forms of happiness. Therefore, we should not aim for mere happiness per se, for which positive psychological states are sufficient, but a more meaningful and ideal sense of happiness which interacts with the concepts of wellbeing and a good life.

Externalists, like Nozick and Kraut believe that no purely internal psychological state is sufficient for happiness. For them, externalism means internal desires and standards must be realised in the external world

for an agent to be happy. However, Nozick is axiologically subjective meaning happiness is concerned with the true external realisation of the individual's own standards of happiness. Contrastingly, Kraut is axiologically objective, concerned with external realisation of objective standards of a happy life, fulfilment of the individual's potential relative to their capabilities. I contend that internal states are sufficient for happiness. In other words, happiness can be reduced to how we feel on the inside. This means an agent with positive internal feelings can be called happy, regardless of what their happiness is grounded in externally. However, I propose a hybrid sliding scale model of happiness where externalism and axiological objectivity are preferable forms of happiness due to their contribution to separate concepts such as wellbeing, flourishing and a good life. This essay has three parts; internalism and externalism, axiological subjectivity and objectivity and my hybrid conception.

Internalism and externalism

Nozick argues internalism and any purely internal psychological state is insufficient for happiness. This means we cannot consider someone happy, no matter how they feel as emotions can be based on illusions (Nozick, p. 111). Nozick illustrates this argument through the thought experiment of the experience machine. It depicts an individual having the choice to 'attach' for life to a machine which can give the felt experience of any desired pursuit, achieving world peace, writing a timeless novel and being deeply loved and cherished by those closest to you, for instance (Nozick, 1989, p. 104). Upon entering, the individual has no recollection of doing so. Nozick appeals to the intuition that most people would choose not to attach themselves to the machine. Consequently, Nozick argues there is more to life than how it feels, namely whether the objects of our happiness are true. We want to be connected to reality and have the ability to interact with it. Nozick asserts external realities are valuable in and of themselves, not purely instrumentally to our happiness or pleasure (Nozick, 1989, p. 106). Happiness is not the only important pursuit in life because we also care about contact with reality, sharing coordinate realities with others, items of intrinsic value like helping others and experiences like profound relationships for their own sake (Nozick, 1989, p. 117). Kraut is also an externalist and similarly centralises the example of the deceived man. This is where a man's friends co-

ordinate an intricate illusion for his belief that he is loved and appreciated when this is not the case (Kraut, 1979, p. 177). The tension Kraut notices is that saying this man is happy uncomfortably implies he attaches 'significant value to the situation in which he is deceived' (Kraut, 1979, p. 178). By his own standards, he has not attained his desires, yet paradoxically is called happy by some. Kraut argues merely experiencing the psychological feeling of having attained his goal is not what he attaches value to. Here, Kraut draws the distinction between the feeling of happiness and a happy life, ultimately arguing the internal feeling of happiness is never sufficient (Kraut, 1979, p. 179).

Nozick's thought experiment of the experience machine successfully presents externalism and connection with reality as the most ideal form of happiness. When we describe ideal happiness, we care not only about if an agent feels happy but whether their life is worthy of being object to happiness. This is so they are not deluded by the perception of their desire fulfilment and life satisfaction. A maximally happy life is more than happy feelings.

However, whilst connection with reality increases happiness, I am unconvinced that connection with reality is necessary for happiness. Despite the fact that the deluded man would have more ideal happiness should he have his happiness grounded in reality, he can be called happy for he is completely deceived by his reality and has genuine positive psychological states. In evaluating happiness, what we value above all else is how the agent feels. When we ask someone if they are happy, we are asking how they feel about their lives, not necessarily whether they are leading a good life. In this way, although the external reality and objects of happiness have a causal effect on the amount of happiness experienced and therefore are relevant to a theory of happiness, what we truly care about is a person's self-evaluation of their life. Hence, I assert we should understand happiness in degrees. Although externalism is a more ideal and favourable version of happiness, the label of 'happy' can justifiably describe people with genuine positive internal states who are deceived by their reality or do not have connection with it, such as in the experience machine.

Thus, I argue the person in the experience machine is happy, but it is not a justifiable action because happiness is not the sole important good of life. I agree with Nozick that factors like connection with reality and pursuit of goods of intrinsic value are separate to happiness. It is these external reasons other than

through happiness which do not recommend entering the experience machine. The person in the experience machine is happy, but they are not leading a good life.

Axiological subjectivity and objectivity

Nozick's conception is axiologically subjective, where happiness is about the fulfilment of the agent's own 'benchmark' of happiness rather than an objective list. Nozick does not attempt to specify the contents worthy to be objects of happiness, but cares deeply about the veracity of their external realisation. Nozick claims the secret to happiness is by 'fiddling with our standards of evaluation' so our current situation can be deemed good or improving (Nozick, 1989, pp. 114–115). He argues we may as well serve our own happiness by managing our expectations and 'levels of aspiration' as they are in our control in how we evaluate our own happiness. For Nozick, happiness is a mood or disposition, the 'tendency to make certain types of evaluations' based on external reality and experience the associated internal states (Nozick, 1989, pp. 114).

As I argue internalism is sufficient for happiness, subjectivism clearly follows. If the internal feeling of happiness is all that matters, an agent should have full control over their happiness by being in control of the standards they evaluate their life by. Axiological subjectivity has the strength of empowering the individual to find happiness where they are. This makes happiness accessible when we note the causal relationship between the definition of happiness and people's happiness, due to the use of this standard in self-evaluation. However, axiological subjectivity does not appear to characterise happiness under ideal conditions, appealing to Sen's concept of adaptive preferences.

We become concerned that axiological subjectivity allows for misguided or uninformed individual standards. A core example of this is Sen's happy slave (Burns, 2016). This describes adaptive preferences where a slave in impoverished and oppressive conditions can develop alarmingly low standards and be happy. We might be concerned that deeming a slave happy does not aptly acknowledge their oppressive circumstances and that we would wish better circumstances for them. Just because a slave attaches less weight on freedom for happiness, this does not mean it would not constitute more ideal circumstances for happiness. Therefore, we might turn to objectivism.

Kraut is axiologically objective. Described as a 'reformed Aristotelian,' Kraut develops a standard of objectivism relative to individual rather than species capabilities. Thus, happiness requires excellence according to an individual's own 'unalterable capabilities and circumstances' (Kraut, 1979, p. 194). Kraut distinguishes himself from Aristotle as a 'humane objectivist' because he avoids Aristotle's absurd conclusion that children, evil adults or disabled people cannot be happy, because they cannot achieve ideal rationality, moral capabilities and virtue as central to the function of humans (Kraut, 1979, p. 170). For Kraut, a happy person comes reasonably close to living the best life they are capable of, adjusted to their biology, nature and circumstance. If an agent is far from their full development, they cannot be happy although experiencing positive internal states (Kraut, 1979, p. 181).

Kraut's objectivism has the strength of adapting the objective standards to each individual, strongly preferable to Aristotle. This allows Kraut to acknowledge that anyone can experience happiness by doing the best they can in their circumstances. However, pure objectivism, like pure externalism, misunderstands happiness and cannot be accepted. When we ask if someone is happy, we should be asking how they feel. If someone has a happy life, we are asking how they feel on the whole, linking to Nozick and his characterisation of happiness as an underlying mood state. We can describe someone as rightly happy or deludedly happy, for example. This judges the causes of happiness separately to the concept of happiness itself. Therefore, calling someone happy is not intrinsically an evaluative statement as separate adjectives make these judgments. Thus, axiological objectivity is not a necessary requirement for happiness.

Despite being flawed as an ultimate theory, axiological objectivism validates the intuition that some sources of happiness are preferable to others. We can analyse some things as more worthy of being objects of happiness, like the slave drawing happiness from liberation rather than oppression. However, I suggest this is because they appeal to concepts of improving wellbeing or components of 'a good life' separate to happiness, such as health, self-development and intellectual nourishment. We want to preserve the ability to say some standards as sources of happiness are more rewarding, meaningful and better for us, but this can go beyond the requirements of happiness. Thus, the concept of happiness is not required to describe the best life available to someone as we refer to separate

conceptual resources to motivate life improvement. My hybrid conception intertwines the ability to recognise purely subjective happiness and acknowledge preferable forms of happiness.

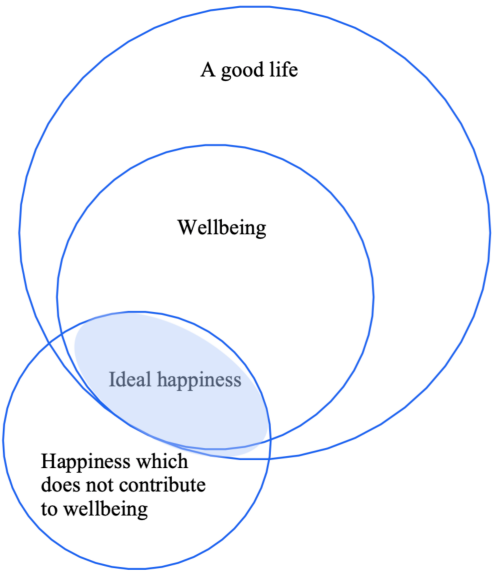

FIG. 1: *Ideal Happiness*

My hybrid conception

I propose an asymmetrical sliding scale model of happiness. I assert internalism is sufficient for happiness, without a reality requirement, as well as axiological subjectivity, where the agent's happiness is assessed against their own standards for their life. However, an agent who experiences positive psychological states can pursue more preferable and ideal happiness, should their desires and hopes be realised externally (externalism), and come from objects worthy of happiness (axiological objectivity). Happiness derived from objects deserving of happiness makes our life go better and is therefore an ideal form of happiness, noting a venn diagram overlap between happiness and a good life. I make a terminological distinction between 'more' happiness and 'ideal' happiness. Ex-

ternalism and axiological objectivity does not necessarily increase the amount of happiness experienced, given that internalism is sufficient, but it does make our happiness preferable since it is grounded in the right things. This is depicted below.

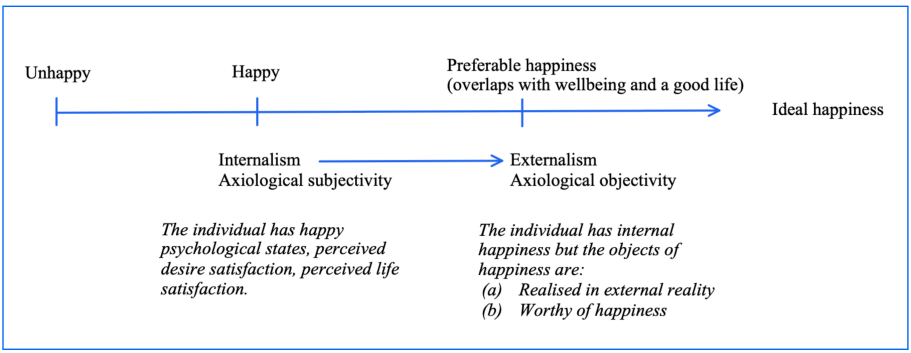

FIG. 2: *Sequence diagram*

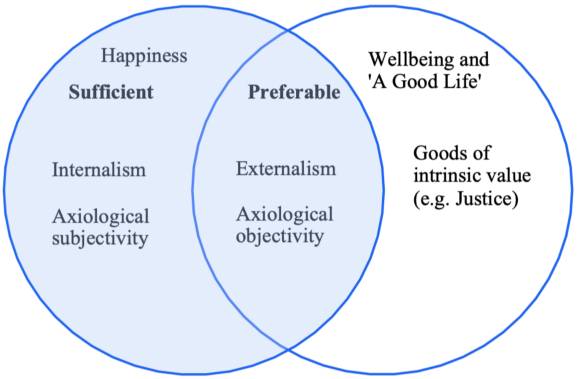

FIG. 3: *Preferable Venn Diagram*

Internalism is sufficient, and the scale is asymmetrical, because regardless of the external realities in someone's life, happiness is always absent without positive psychological states. Objective standards recognise objects of happiness as fitting or not, but ultimately the individual must subjectively desire fulfilment of those standards for them to contribute to happiness. Hence, internalism is sufficient but we can illustrate preferable alternatives for users of the model to

strive for.

It is necessary to address the compelling critique of my view that asks; If externalism and objectivism will always be preferable forms of happiness, why recognise internalism and subjectivism as sufficient at all? Kraut imagines that in a society where tallness is a strongly valued property, scientists discover it is possible for humans to reach 5-7 feet in optimal conditions. They propose a redefinition of the standard of 'tallness' to incentivise people to reach ideal height and signal the urgent call to change (Kraut, 1979, p. 185). Analogously, the objectivist seeks to use happiness as a motivating tool for people to be incentivised to change their lives for the better (Kraut, 1979, p. 183). Thus, Kraut seeks an ideal conception of happiness so people strive for it and do not become complacent if we call them happy.

This interacts with a methodological concern of how our view of the function of a concept of happiness changes how we design it (Haybron, 2003). I agree with Kraut that a concept of happiness should motivate individuals to pursue a meaningful kind of happiness and to change their lives for the better. However, I distinguish that this is not the sole purpose of the concept of happiness and needs to be balanced with its function as a descriptive tool to understand different cases, assist people to evaluate their lives, influence decisions and inform policy decisions. Allowing self-evaluated psychological states to be sufficient for happiness fulfils its necessary descriptive methodological role to recognise the meaningful contribution of subjective states for well-being and a good life, detached from the external reality. It is useful to have a valued concept which refers to these intrinsically valuable and subjective internal states of how agents feel. Furthermore, my proposal to recognise grades of preferable happiness levels maintains the ability to motivate individuals to seek better for themselves. The sliding scale offers a clear linear model for improvement of one's happiness. Kraut may contend that it is far more motivating to call someone 'unhappy' than 'less happy,' and whilst I agree, this is not a worrying objection since the concepts of wellbeing, flourishing, thriving and a good life are then available to holistically motivate life improvement. Whilst happiness is a component of a good life, it is not its sole object of importance, recognising items of intrinsic value like Nozick.

A further critique may inversely ask why we should not fully reduce hap-

piness to internalism and subjectivism if they are sufficient. This would mean happiness is a purely descriptive tool and other concepts like wellbeing or a good life could make evaluative judgments. However, people generally strongly value happiness and seek it for themselves and others, believing that it is good and worth pursuing. Therefore, if people already value the concept of happiness, it is important for a definition of happiness to have an aspirational and evaluative element rather than being purely descriptive. I assert this hybrid theory balances the desire to have a central concept which places importance on how agents subjectively feel, whilst providing an evaluative model of ideal forms of happiness so that its motivating and aspirational qualities are maintained.

In conclusion, it is ideal that happiness is derived from reality and certain objective goods although internal psychological states are sufficient. This allows happiness to fulfil its function of being an accurate descriptive tool of psychological states, for this is what we are truly asking when we ask whether someone is happy. However, this conception also supports the motivating function of the concept of happiness and demonstrates preferable and ideal forms of happiness that agents can strive for. If there is a secret to happiness then as Nozick conjures, I suggest we ought to pay more attention to what our standards of happiness are and to lower them if they are unjustifiably high or in misalignment with our conception of the good upon reflection. We should recognise happiness in the present moment whilst simultaneously striving for more ideal forms of happiness, by changing our realities to be more fitting and deserving causes for happiness in connection with wellbeing and leading good lives.

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Democratic Claims to Legitimacy are Unfounded as they are Constructed on an Unjustified Conception of the Political Subject

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Abstract

It is widely accepted in contemporary political discourse that the political subject stems from a distinct individual that takes the role of an individual citizen within a political society. Accepting this theory of the political subject as starting from the atomised individual leads to democratic theories of legitimacy to be prevalent, seeing it as either a necessary or at least sufficient condition for the normative legitimacy of a state. This essay seeks to problematise this assumption and reveal that the individual being the political subject is not a historically nor ideologically neutral position, and can be strongly contested from alternate theories of the political subject such as class, race, progress, the faithful, nature, or even more developed understandings of the individual that will be explored later in this essay. This aim will be achieved by separating the moral and prudential factors of normative legitimacy, then demonstrating the subjective nature of prudential reasoning, ultimately coming to a critique of the liberal conception of the subject, in favour of a subject built around an existential society and a justification of an undemocratic system of governance that preserves this subject's interests. This will then be presented with an alternative approach to the political subject synthesising the strands of Platonic, and Heideggerian political thought.

A Major clarification that needs to be settled is the difference between legitimacy in the sense of support the regime has from its population and the objective moral nature of the regime, and whether this is a legitimate form of governance. Charles Taylor identifies an attitudinal sense of legitimacy, that is, when the members of a state feel it to be in line with their values and as such value it as legitimate. This is contrasted with an objective normative evaluation of the regime from an "outside" perspective, that evaluates the nature of the regime against objective ideals. Both forms of legitimacy are relevant to discussion here, as both rest on a necessary understanding of who is evaluating the regime, and who the regime acts for (Simmons 1999, 109). If the political subject changes, then the attitudinal claim of legitimacy must be developed to accommodate the attitudes of the political subject that evaluates the regime, not simply an isolated liberal understanding of the individual as the only potential political subject. Beyond that, a normative evaluation of the regime needs to address which actors are moral agents and how to best act in their moral interests, and as such also rests on a clear understanding of the political subject. For the purposes of this essay, regardless of what the political subject is, dialogue shall proceed in a manner that assumes that a state has to be more prudential and moral than a non-state alternative to have a claim to legitimacy, and even if it is not perfectly moral, it must strive towards a more moral condition for the political actor than competing structures. That leaves this essay with two key goals: Argue that moral arguments exist as post hoc justifications for a state, and demonstrate that different understandings of subject are needed to justify the state as prudential. Ultimately this will come to the conclusion that the normative legitimacy of a state rests on prudential grounds, and that democracy only addresses the prudential demands of one limited approach to the political subject.

Prudential reasoning rests on the subject who is reasoning. This can be understood as what is prudential for me is not apt to a discussion as to what is prudential for you. Beyond this, what is prudential for me might not be prudential to subjects which I am a part of, such as class, nation, or race. However, we are still capable of prudential reasoning surrounding these subjects, this means base concepts such as goals, individual circumstances, values, limitations, and the like that are normally used to evaluate conditions as prudential are no longer relevant. Because other non- individualist subjects can act prudentially, then

the atomised subject is not assumed a true and neutral baseline for political organisation and action, even if the nature of the action is conceptually different from that of a liberal citizen. In the alternate case of justification stemming from moral arguments for legitimising a political arrangement, these do not exist ahistorically, and generally develop as a response to the political condition in which it exists. This is a major flaw in democratic claims to normative legitimacy, as the arguments surrounding individual rights, duties, and selves emerge out of the political hegemony and constructive discourse of democratic systems. This argument is rooted in a Nietzschean critique of moral values, which argues that virtues stem from pre-existent power arrangements (Nietzsche 1886). This is also reflected in Marxist understandings of historical materialism, that is, that the real and lived conditions of a subject give rise to sentiments, not sentiments being arrived at through detached ahistorical reason (Marx 1845). Given this, the democratic liberal values with which we justify democratic liberalism are clearly not a valid argument in of themselves, as they emerge out of the power relation which they attempt to justify. While it is impossible to evaluate a political system ahistorically in general, this particular point demonstrates the weakness of appealing to moral or civil values as an attempt to justify a political mode which it stems from.

Because of the points above, democracy does not have a claim to legitimacy unless the atomised individual is the most legitimate understanding of the political subject, because normative legitimacy rests purely on prudential grounds for the subject, which has not been properly determined as the liberal individual.

The idea of the individual subject is a historically rooted concept that developed from a metaphysical starting point to its contemporary political context. Its genealogy can be traced to the cogito ergo sum claim of Descartes, and was further developed with Hobbes' conception of the state of nature as a condition of man isolated and in conflict with other man, before being transformed into the rational political actor found in the works of Locke and other early liberal thinkers like Mill and Bentham. This genealogy of the idea finds its problems with its origins, the idea that man as a thinking thing comes to this realisation without an other. As reflected in the existentialist, Marxist, and post-structuralist lines of philosophical thought, we are flung into society as a participant in overlapping and dynamic structures, narratives, myths, and histories before our con-

sciousness is developed over time to the level of self awareness and capability of rational thought. Before we exist as self-aware, rational beings, we exist relationally and by extension dialogically. A more dialogical approach to the self, which sees the self-conscious being as a component in a larger organism or network, be it race, culture, class, or similar unchosen markers, does not necessarily invalidate democracy as meeting its prudential demands, but it raises the question as to whether this dialogical self is the base political subject. With other structures being a necessity for its existence, surely at the minimum the relation between the two, the self-aware self and the broader social structure, is the basis for political identity, organisation, and action?

Conversely, a far richer depiction of the characteristics of the political subject can be found in the works of Heidegger. Alexander Dugin uses the Heideggerian concept of Dasein as a contender for political actor with the liberal subject. This understanding appeals to the idea of the imagination, which structurally precedes the individual, and forms the unconscious cultural collective which individual humans are socially and biologically thrown into (Dugin 2012). This concept has more depth than the liberal subject as it accounts for the collective narratives into which we claim our existence, as well as extends the subconscious factors that influence political action beyond individual traits, but into sociological ones. This conception of the political subject is superior to the atomised individual as it provides metaphysical context for self awareness, which extends the features of what must be acted prudentially for, and what is capable of action, beyond the individual's ego. It takes into account the multitude of conflicting claims and values which make up society, but rather than falsely attribute them to clearly held positions of the rational individual, it places these elements as the political subject which must act prudentially to evaluate political organisation. Dasein is this human being-in-the-world addressed by existential philosophy, but extended to the social level that is relevant for political philosophy. Dasein is this human element of our reality, the values, beliefs, myths, and such that seem to be emergent out of the individual within a liberal paradigm, but if this viewpoint is rejected then the inverse is true: the individual is emergent out of the humanising element civilisation brings to reality. This position views society as the existential actor, which transmits agency upstream from the individual to our collective contributions, labour, and action. Dasein, thus, can be characterised as the existential, imaginative element that composes

society.

Democracy fundamentally fails to act prudentially for this subject, as conceiving of political actors as a mass of disconnected individuals fails to take into account the interests in preserving their common narratives, traditions, beliefs, and values. It requires these features to be either systematised and conform to the demands of liberal conceptions of civil society, or limited to private practice and belief. This failure to address the concern of the common imagination is shared across all forms of democratic ideology, as it is intrinsic to its starting point claiming that man is in a state of nature and mutual agreement for protection and shared material interests is the foundation of society and the state. This just simply is not the case.

An alternative structure of government that is prudential for Dasein as an actor is the aristocratic republic envisioned by Plato. This mode of government prioritises a state that reflects the cultural order envisioned by the collective society as a whole, placing the philosophers, the evaluators of culture and values, in positions of executive power, while allowing for a socially emergent order of where individuals can be placed for the benefit of the teleological goals of Dasein (Dugin 2019). While the caste system of priests, workers, and soldiers is the commonly perceived part of this system of governance, the specific details of production, order, and law are not relevant to this area of discussion. What is relevant is the distribution of executive power within the state, and having individuals raised within a cultural context while also being educated to criticise it does not challenge the widespread stability of the state by undermining the identity of the collective, but it still empowers the "best" to be able to critically evaluate the actions and values of a state with respect to the preservation of Dasein. To this end, culturally relevant forms of an epistocracy are the best form of governance for benefit of the collective. The specific structure of Plato's republic is the form of government that is best for the Dasein of ancient Athens, so while the underlying values and broad structure are transmutative for other civilisations, the practical situation is different across cultures.

This essay has proven that moral claims of legitimacy emerge out of political organisation, and do not pre-exist them as justifications for the political order. This leaves prudential reasoning to be the sole contender to the legitimising factor of the state. The essay then proceeded to demonstrate that prudential rea-

soning depends on the condition and nature of the subject to evaluate whether a political system is prudential, and problematised the liberal democratic understanding of the political subject. These features have shown that democracy fails to make a sufficient claim to prudential legitimacy, and lacking that cannot develop a self-sufficient moral claim to legitimacy without stepping outside of a liberal political framework. Given this, it is sound to argue that illiberal theories challenge democracy's claim to legitimacy on a meta-political level, as they question its claim to what the political actor is. The conception of the political actor as Dasein allows for a more sophisticated understanding of the political actor, drawing attention to the existential, social and dialogical nature of the human experience. This challenges the prudential claim of democracy as it is unable to act in the interests of commonality, only in the common interests of individuals. This individual is a constructed concept that is insufficiently justified, drawing to attention the weak foundations for democracy as a legitimising factor of a state. An alternative theory of political organisation that is prudential for the social imagination can be found in Plato's Republic, which preserves the dynamic nature of the social imagination, while also giving it culturally sensitive teleological guidance in a way with which democratic governance cannot compete. This preserves the social nature of human organisation, culture, and imagination, without reducing it to isolated practices of individuals, nor assumed universal norms, as done by democratic governance.

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All the Living and the Dead: On Inheritance and Reparative Duties

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Abstract

The literature on historic injustice and reparations is an expansive one, and numerous different ways of grounding reparative obligations have been developed over time. One perennial question relates to what is owed to the descendants of victims of injustice. In this essay, I will examine one popular viewpoint: the inheritance-based account, whereby the descendants of victims of injustice acquire entitlements to compensation via the mechanism of inheritance. It can be contrasted with the harm-based account of reparative obligations, which instead focuses on the ways in which historic injustice has made the lives of descendants worse. Ultimately, I will argue that entitlements to compensation can be inherited, thereby justifying reparative duties to descendants of victims of injustice, and that these entitlements are (mostly) resistant to the passage of time. Moreover, I will highlight the advantages that this account has vis-a-vis others, and one way in which it might be combined with the harm-based account to create a more powerful framework. It is crucial for us to understand what is owed to the descendants and communities of victims of injustice. For many, injustices of the past are not merely matters of historical and scholarly interest - they are the vicious and horrifying foundations of the modern world and of their lives. The account outlined in this essay is just one of the components of the greater project of understanding how we can take this fact seriously.

In her memoir detailing her life throughout World War II and the years afterwards, the Czech writer Heda Margolius Kovály described the mass expropriation of Jewish property that occurred in her home of Prague (Kovály

2012). After thousands of Jews were deported, people looted the belongings that they had left behind and squatted in their homes. When the war was over, the few Jews who returned to Prague rarely had their property returned to them, and their attempts to take it back bred hostility and suspicion. On any plausible account of reparations, it seems obvious that this property should have been returned, and that the refusal on the part of expropriators to cooperate was unjust. However, in the real world, victims often do not live to see the injustice done to them rectified. In these cases, what, if anything, is owed to their descendants?

I argue that the descendants of victims of injustice deserve compensation, and this is because they inherit rights to compensation. For simplicity's sake, I will focus on compensation for unjustly appropriated property, but I will make comments later on in the essay about how my argument can be extended to justify the inheritance of rights to compensation for other kinds of harm. In Section 1, I will explain why we should believe that the descendants of victims of injustice do indeed inherit these rights to compensation, even when the victims have not explicitly passed them down. In Section 2, I will respond to Jeremy Waldron's argument that entitlements to property can fade over time, concluding that it can only limit the inheritance of rights to compensation in a limited way in some specific instances. In Section 3, I will compare my argument to two alternative accounts of reparative justice - which centre on harms suffered by descendants and our duties to the dead respectively - and explain why the inheritance-based account is preferable. I will conclude with some remarks about the scope of my argument and the way in which it interacts with the demands of distributive justice.

This essay assumes that it is possible to find a coherent principle of acquisition (that is, people can indeed be said to justly appropriate unowned objects from nature) and that people have a right to bequeath their property to others. These premises are broadly libertarian in flavour but quite minimalist, and are, I believe, in line with fairly common intuitions about the nature of property rights. For instance, most people do not support a 100% tax on inheritance. Moreover, my theory can be modified to accommodate most alternative views on property rights - such as if someone believed that inheritance should be taxed to some, but not a complete, degree. In any case, there is vigorous debate on these points in the literature, but due to space constraints, I want to focus on other things in

this essay.[1]

Pathways to inheritance

How can it be that a descendant of a victim of injustice comes to inherit rights to compensation? The first set of cases is where the original owner of the unjustly appropriated belonging (let's call it X) explicitly bequeathed that belonging to their heir(s). The bequest would be specific if the original owner left in their will (or via some other expression of intent to bequeath) something to the effect of: 'I wish to leave behind X to my heir.' The bequest might also be non-specific, as would be the case if the original owner wrote in their will something to the effect of: 'I wish to leave behind all of my belongings to my heir.' In this case, we can count X among the total set of holdings that the owner wants to bequeath. In both of these cases, I would argue that the fact that this owner does not physically possess X at the point of writing their will is of no relevance (Butt 2009, 165). Insofar as they still have an entitlement to X, they are able to pass on that entitlement. I think that this is fairly intuitive - we wouldn't think, for example, that someone is incapable of transferring ownership of their holiday house in Queensland, just because they're currently in Sydney.

However, what if there was no such explicit bequest, as I would wager is the case in most instances of unjust expropriation? I would argue that there are a number of good reasons to believe that even in the absence of an explicit bequest, we should assume that the belonging should go to the original owner's heir, at least in the absence of strong arguments to the contrary.

Firstly, it is reasonable to assume, in the absence of good reason to the contrary, that the descendants (or perhaps other immediate family members) of the original owner should be deemed as their heirs. Daniel Butt argues that the burden of proof lies upon others to show why this should not be the case, insofar

[1] The principle of acquisition is most famously presented by Robert Nozick in Anarchy, State and Utopia. Within the debate on reparations, Daniel Butt has presented a defence of it in an international context in Rectifying International Injustice, pp. 150-157. For critiques of the principle of acquisition, see Wolff, Robert Nozick: Property, Justice and the Minimal State, and Cohen, Self-Ownership, Freedom and Equality. In terms of the right to bequeath property to others, see Thompson, 'Historical Injustice and Reparation: Justifying Claims of Descendants.'

as people usually leave behind their belongings - especially important ones - to their family (Butt 2009, 165). These are the assumptions that also underpin the 'rules of intestacy' in the UK (and similar rules elsewhere around the world), according to which the estate of a person who dies without leaving a will should be given to their children and spouse. Going beyond the level of intuition, Janna Thompson reaches this conclusion through an argument centred around the incentives of the representatives in the Rawlsian original position. She starts by explaining the importance to individuals of the love and concern intrinsic to family relationships, and argues that inheritance is one expression of that love and concern. To this extent, the representatives in the original position would want to protect the claims of descendants to their inheritance by giving them the benefit of the doubt when circumstances are unclear. She concludes that we should 'shift the burden of proof onto those against whom the claim [of entitlement] is being made' (Thompson 2001, 30).

A second strategy is to suggest that parents have an obligation to pass on some of their property to their descendants - not only that they have a liberty right to do so. If this were true, then we should assume - at least in some cases - that the descendants of the original owner have a legitimate claim to the unjustly appropriated property, even when there is no indication that their parents would have left it to them. Simmons suggests that children have rights against their parents to the receipt of property that is needed by those children for a decent life, and this can explain why we should assume that some of a victim's property (even if it is not currently in their physical possession) will be inherited by their children (Simmons 1995, 179). Numerous scholars in the literature on justice in parenting have extended this argument, demonstrating that children plausibly have a right to that portion of their parents' property that ensures not only the basic material conditions for their existence, but also their capacity to develop a certain range of flourishings (Cohen 2009). For example, Matthew Clayton argues that parents have an obligation to give their children an upbringing that allows them to participate in society as 'free and equal citizens.' This obligation turns out to be fairly demanding - for instance, it may require that parents ensure their children receive a rich educational experience if they have the resources to do so (Clayton 2015, 253-256). While this broad line of argument is limited in scope, insofar as it only applies when the descendants of victims need to inherit unjustly appropriated property in order to achieve some threshold of well-being,

it will still be relevant in many of the cases that are relevant to this debate, because the descendants of victims are disproportionately likely to be suffering from material deprivation. For these groups of people, this strategy provides a strong justification for the inheritance of rights to compensation.

At this point, two clarificatory points should be made. Firstly, in the circumstances in which the unjustly appropriated good is no longer in existence, then what the descendants of victims of injustice inherit is the closest possible approximation of that good. Let's return to the case of Jews in post-war Prague from the introduction. Say that someone's necklace was stolen after they were deported and it was never returned. After their death, we can say that their heir has inherited a right to the necklace, using the logic outlined above. However, the necklace has been melted down to make something else. In this case, I am entitled to a necklace of comparable quality, or enough cash for me to replace it with a similar one.

The second clarification is that this account has so far relied on an overly simplistic model of inheritance, in which someone bequeaths property to their child, who bequeaths it to their child, and so on. However, most people have multiple children. Let's say that some victim of injustice A has children B1 and B2. B1 has children C1 and C2, and B2 has children $C3$ and $C4$. What are B1 and B2 entitled to, upon A's death, and what are $C1, C2, C3$ and $C4$ entitled to, upon the deaths of $B1$ and $B2$? This is a tricky question, and I can't provide a complete answer. One intuitive answer would be to simply divide up the inheritance by the number of inheritors - that is, upon the deaths of $B1$ and $B2$, $C1-4$ inherit a quarter of A's unjustly appropriated property each. What about when very many generations have passed by, however? For each successive generation, the amount that each descendant is entitled to would grow incredibly small. This may be, in the end, the answer that we are committed to. One possible way to respond to this problem would be to argue that descendants aren't merely owed the appropriated objects, but also additional monetary compensation for the continual failure of the new owners to return them over time. A kind of interest is added to the growing debt held by the beneficiaries of the expropriation. I think that this is a plausible answer, but not one that can be hashed out in full detail here.

Superseding Historic Injustice?

In this section, I want to deal with an important objection to the previous line of argument - Waldron's contention that people's entitlements to property can fade over time. The importance of this objection is that if it is the case that someone's entitlement to a belonging that was stolen a long time ago fades away, then maybe, at the time of the victim's death, it is no longer theirs to pass down. At the very least, if the entitlement fades over the course of a few generations, then the chain is broken and it will no longer continue to be inherited by successive generations. Waldron gives a number of reasons as to why entitlements may fade over time, but I will deal with the two most crucial ones.

The first of Waldron's reasons centres on the nature of historical entitlement theories. Waldron argues that the most plausible account of initial acquisition would state that someone takes possession of an object when they work on it, alter it, use it, and in general, make it a part of their planning and action. When someone makes this object the 'centre of their life' in such a way, then they come to gain an entitlement over it. However, if we take this line, then we see how entitlements can be weakened by a long period of dispossession. The stolen object has now become the centre of someone else's planning and action - the unjust appropriator, after a long enough amount of time, has replaced the victim as the rightful owner of the object (Waldron 1992, 18).

This argument strikes me as odd. Even if we accept that this is indeed the way in which we should understand the principle of initial acquisition, it is unclear why this process of making something the centre of one's life should generate entitlements on property that is already owned by someone. That is, maybe it is plausible that someone can gain ownership over a previously un-owned object taken from the state of nature by labouring on it and making it a part of their lives. However, once an object has been initially acquired, it is unclear that the same process can extinguish and replace the pre-existing entitlement that someone has over that object. On a Nozickean account of historical entitlement, once an object has been initially acquired, then the only way in which the entitlement can be passed on to someone is via a just transfer (Nozick 1974). However, even if we don't accept the full Nozickian account, it's strange to suggest that someone should be able to come to own an object that someone

else already owns in the same way that they would come to own an unowned object in nature.

Perhaps this problem does not seem very important in the case of very distant descendants who are many centuries removed from the original injustice. Many will have the intuition that for these descendants, the appropriated objects might as well have returned back into the state of nature to be acquired by someone else. Maybe after such a long time, they themselves are relatively indifferent about the original theft, or aren't even aware that these objects exist and the injustice ever happened. Even if we accept that this intuition has some force, it is irrelevant to almost all of the debates about historic injustice that are taking place in reality and motivate much of the literature on this topic. Most of the descendants of the victims of expropriation, slavery and colonialism, for instance, are keenly aware of the injustices that befell their ancestors and the belongings that were forcibly stolen from them. Many have organised and participated in campaigns and protests to demand reparations. The refusal of successive governments and the recipients of stolen goods to return those goods represents a constant, ongoing effort, which is backed up by force, to keep the descendants of victims from making these goods the 'centre of their lives.' It is unjust for them to say to the descendants of victims, 'Well, it's been too long since you or any of your forebears enjoyed these stolen objects so it's mine now,' knowing full well that they are the only thing stopping those descendants from doing so. Thus, I would argue that one cannot extinguish someone else's ownership right by actively curtailing their capacity to use that right (Thompson 2001, 131). The only reason why a victim of unjust appropriation can no longer make the appropriated object the centre of their planning and action is because it has been forcibly taken from them.

Waldron's second main reason why entitlements fade over time hinges on the fact that entitlements are sensitive to changing background circumstances. He gives the following example: Say that there are numerous water holes in a savanna, and P owns one of them, and Q owns another. One day, Q forces P to share the water hole that P owns (but doesn't allow P to drink from Q's water hole). This is clearly an injustice. However, circumstances change. and all the water holes in the savanna dry up except for the one that originally belonged to P. Q is now entitled to share P's water hole, and it no longer counts as an

injustice. In this sense, 'the initial injustice by Q against P has been superseded by circumstances' (Waldron 1992, 25).

What I think this thought experiment is getting at is that when re-establishing someone's previous property right would force the current possessor of the object below some minimum threshold of wellbeing, we should not do so. Waldron's argument seems plausible, but there are important things to note about its limitations. The first thing to note is that the bar for considering injustice to be superseded should be set quite high - it must be the case that the current possessor of the object would genuinely have no option but to fall below a minimum threshold of wellbeing if they were to relinquish the object, and that the descendant of the victim of injustice would not themselves be below that threshold of wellbeing if the object were not returned. To make this clear, let's examine two versions of a case in which the descendant of a Jew whose home was expropriated during WWII (call them A) had a legitimate claim to the ownership of that home against the current resident (call them B).

In version 1, A is very well off and already has a nice house of their own, while B would be destitute and homeless if they were forced to leave their home and would genuinely be unable to find a new place to live. It seems reasonable to suggest that the injustice has been, in Waldron's terms, 'superseded.' In version 2, A is destitute and homeless, and B would also be destitute and homeless if they were forced to leave their home. In this case, given that both are in need of the home but A has a legitimate claim to that particular home's ownership, the home should be returned to A.

The second thing to note about Waldron's argument is that, even in cases where the current owner of an unjustly expropriated object would fall below some threshold of wellbeing if they were to return it, there are ways in which that suffering can be ameliorated. For instance, the state could provide them some degree of compensation, up until they point where they were no longer below that threshold (Thompson 2001, 131). We could also carry out the rectificatory project over a period of time, which would allow the current possessors of misappropriated property to slowly adapt their lives to reflect the fact that they will eventually lose the property in question.

The final thing to say is that, if an initially unjust possession has become

just due to changing circumstances, the appropriators still owe compensation to the victims for the fact that they deprived them of their property for the whole period before the possession became just - that injustice can't just be swept under the rug. In this case, the compensation can itself become inheritable. The victim gains a claim to a certain portion of the wrongdoer's property as compensation, and this can be passed down through generations in the ways outlined previously.

Alternative Accounts of Reparations

In this section, I want to compare the inheritance-based approach to two alternatives - the harm- based approach, and an approach that centres on our duties to the dead victims of injustice themselves.

The harm-based approach (broadly speaking) states that victims should be compensated so that they are no worse off than they would have been in a counterfactual world where the injustice hadn't occurred. One issue that this approach faces is that the counterfactual calculations it relies on are too indeterminate - it is usually difficult to say what would have happened in a world where the injustice hadn't occurred, and it is not obvious which counterfactual is the morally relevant one to pick. The inheritance-based approach can sidestep these issues. Perhaps one could argue that we can't know for certain whether or not the victim of injustice would still have had ownership over the unjustly appropriated property in a world in which the injustice hadn't occurred. Maybe, for example, they would have gambled it away before being able to bequeath this property to their descendants. Moreover, the harm-based approach is vulnerable to the Non-Identity Problem, which, in essence, questions whether the descendents of victims of injustice can claim to have been harmed at all by that injustice, if in its absence they would not have existed.[2] As Daniel Butt points

[2] The most famous explanation of the Non-Identity Problem comes from Parfit's Reasons and Persons. To be fair to proponents of the harm-based approach to reparations, there have been numerous ways of dealing with the Non-Identity Problem proposed in the literature. For example, see Pasternak, 'Benefiting from Wrongdoing,' and Sher, 'Transgenerational Compensation.' The point here is simply that those for whom these responses are not convincing may be more willing to buy the inheritance-based account.

out, this kind of counterfactual reasoning may be relevant for the harm-based approach, but is irrelevant to the inheritance- based approach. What matters is that some original owner has had a belonging unjustly taken from them. Even when that belonging is not in their physical possession, they still have an entitlement over it, an entitlement that they can transfer to someone else if they so choose. The fact that they may not have had an entitlement over that belonging in some other counterfactual world does not matter here (Butt 2009, 164).

I would argue moreover that the inheritance-based account can ground a wider scope of reparative duties than an account of reparations that centres on our duties to the dead victims themselves. Very simply put, this kind of account states that we can mitigate injustice by benefiting the victims of injustice, and that we can benefit dead victims by promoting certain lifetime-transcending interests of theirs, such as making sure that their children are able to live decent lives.[3] This approach is an interesting one, but relies on the controversial premise that we can indeed benefit people after they have died, which many will not accept. Even if it is accepted, however, this approach cannot independently justify reparations in cases where the descendants of victims of injustice are decently well-off (because in these cases, the victims' lifetime-transcending interest in their children being well-off has already been fulfilled). An inheritance-based account, by contrast, can justify the conclusion that these descendants have a strong prima facie entitlement to compensation, even when they are already living decent lives.

Conclusion

I want to end by noting two things about the scope of this argument. Firstly, this essay cannot go in depth on how we should weigh up descendants' inherited rights to compensation and the competing claims of others. It is true that the blameless descendants of wrongdoers will suffer if they must return back property to the descendants of victims, and if this suffering is severe enough, perhaps that may be sufficient to outweigh the claims of the descendants of victims. What justice requires all things considered is a matter of further discussion. To take a very simple example: Say that a poor person X steals some

[3] See Ridge, 'Giving the Dead Their Due,' and Stemplowska, 'Duties to the Dead.'

money from a rich person Y. It may be the case that, from the perspective of distributive justice, this has brought us to a more just set of holdings on egalitarian grounds. In this case, the demands of reparative justice and distributive justice pull in opposite directions. They are both important in their own rights, and must be weighed up against one another.

Secondly, many authors have pointed out that the inheritance-based account, narrowly construed, can only justify demands for property. It cannot ground reparations for a whole series of injustices that we intuitively feel should give rise to reparations - for example, the murder, torture, mistreatment and disrespect of one's ancestors.[4] One potential way of getting around this limitation is through some combination of the inheritance and harm-based approaches to historical injustice. We may say that victims of injustice are owed compensation for the harm done to them - for example, the opportunity costs that a slave had to face as a result of not being paid for their labour - and this compensation comes in the form of entitlements to a portion of the wrongdoer's property. These entitlements could then be passed on by the original victims to their descendants. This approach has a key advantage over the pure harm-based approach, in that it doesn't rely on calculating the exact harms that historic injustice have caused current generations to face. It only relies on the premise that the compensation owed to a past victim at the time of the injustice done to them (which can be seen in a similar way to damages paid out by the defendant in a tort case) can be passed down to their descendants. In this way, we can expand the scope of the inheritance-based account, while keeping its theoretical benefits. It appears plausible that our conception of reparations can be pluralistic (in the sense that we are, in effect, merging two accounts), if it is the case that one of the most troubling objections to the harm-based view no longer applies.

I have sought to demonstrate that the descendants of victims of injustice can inherit rights to compensation. When a victim has property taken from them by a wrongdoer, they maintain an entitlement to that property for as long as the wrongdoer possesses it, an entitlement which they can pass down to their descendants, who can pass it down to their descendants. In Section 1, I explained why this can be said to occur whether or not the intention of the victim of injus-

[4] For example, Thompson, 'Historical Injustice and Reparation,' p. 120.

tice to pass their property on to their descendants was made explicit or not. In Section 2, I responded to two arguments made by Waldron that are most threatening to the inheritance-based account, concluding that only in a very specific set of circumstances can one's entitlement to an object be 'extinguished' due to someone else's illegitimate possession of that object. In Section 3, I compared the inheritance-based account favourably to two alternative accounts of reparations.

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